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**ATTORNEY DOCKET No.:2006078-0009 (JG/12987.54)**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BOILEAU, *et al.* Examiner: NYA  
Serial No.: 10/549,796 Group Art Unit: NYA  
Filed: September 19, 2005  
Corresp. to: PCT/CA2004/000453  
Int. Filing Date: March 25, 2004  
Earliest Priority: March 25, 2003  
Title: PHEX SUBSTRATES AND METHODS USING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

January 17, 2006  
Date

*Kathy Hart Gagon*  
Signature  
*KATHY HART GAGON*  
Typed or Printed Name of person signing

**TRANSMITTAL LETTER**


Enclosed for filing please find the following documents for the above-referenced patent application:

- 1) Appointment of Attorney (2 pp.);
- 2) Establishing Right of Assignee to Take Action (37 CFR § 3.73(b)) (2 pp.) with copy of executed Assignment attached (3 pp.);
- 3) Written Assertion of Small Entity Status Under 37 CFR § 1.27(a)(2) Small Business Concern (1 pg.);
- 4) Copy of Form PCT/IB/326, Notification Concerning Transmittal of a Copy of International Preliminary Report on Patentability (Chapter 1) of the Patent Cooperation Treaty (1 pg.); Form PCT/IB/373 (1 pg.); and Form PCT/ISA/237 (8 pp.); and
- 5) Return Postcard.

Please charge any fees that may be required or credit any overpayments to our Deposit  
Account No. 03-1721.

Respectfully submitted,  
CHOATE, HALL & STEWART LLP

Dated: January 17, 2006

  
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**ATTORNEY DOCKET NO.: 12987.54**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Guy Boileau et al. Examiner: Not yet assigned  
Serial No.: Not yet assigned Art Unit:  
Filing Date: Concurrently filed  
Title: PHEX SUBSTRATES AND METHODS USING SAME

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P.O. Box 1450  
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**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Enobia Pharma Inc.

This assertion is made on the ground that Enobia Pharma Inc. is a concern

(a) whose number of employees, including affiliates, does not exceed 500 persons;  
and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR § 1.27, as set forth in 13 CFR § 121.802.

Respectfully submitted,

  
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Name: P. CRINE

Title: CSO

On behalf of **Enobia Pharma Inc.**